

MONTANA LEGISLATIVE HISTORY

Chapter 470 19 85

Bill H _____ S 266

Original bill & history ☒ c

H. Committee on Local Gov

Hearing Date(s) h 3/19 _____ c

_____ c

_____ c

_____ c

Date Out _____ c

S. Committee on Local Gov

Hearing Date(s) h 2/14 _____ c

v 2/19 _____ c

_____ c

_____ c

Did this bill originate in an interim committee? _____ Yes _____ No

Committee _____

Report _____

SENATE FINAL STATUS

4/04	3RD READING AMENDMENTS CONCURRED	50	0
4/11	SIGNED BY PRESIDENT		
4/11	SIGNED BY SPEAKER		
4/12	TRANSMITTED TO GOVERNOR		
4/15	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 470	EFFECTIVE DATE: 10/01/85	

67

INTRODUCED BY HALLIGAN

GIVE UNMARRIED PERSON SAME EXEMPTIONS FROM EXECUTION
OF JUDGMENT AS MARRIED

1/28	INTRODUCED		
1/29	REFERRED TO JUDICIARY		
2/11	HEARING		
2/12	COMMITTEE REPORT-BILL DO PASS		
2/15	2ND READING PASS	46	4
2/18	3RD READING PASS	47	2

	TRANSMITTED TO HOUSE		
2/27	REFERRED TO JUDICIARY		
3/15	HEARING		
3/15	COMMITTEE REPORT-BILL CONCURRED		
3/19	2ND READING CONCURRED	93	3
3/21	3RD READING CONCURRED	90	7

	RETURNED TO SENATE		
3/26	SIGNED BY PRESIDENT		
3/26	SIGNED BY SPEAKER		

3/26	TRANSMITTED TO GOVERNOR		
3/29	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 210	EFFECTIVE DATE: 10/01/85	

58

INTRODUCED BY HALLIGAN

REVISE CRITERIA FOR DETENTION OF YOUTH
BY REQUEST OF BOARD OF CRIME CONTROL

1/28	INTRODUCED		
1/29	REFERRED TO JUDICIARY		
2/07	HEARING		
2/11	COMMITTEE REPORT-BILL PASS AS AMENDED		
2/13	2ND READING PASS	50	0
2/15	3RD READING PASS	49	0

	TRANSMITTED TO HOUSE		
2/27	REFERRED TO JUDICIARY		
3/20	HEARING		
3/26	COMM REPORT-BILL CONCURRED AS AMENDED		
3/30	2ND READING CONCURRED	96	0
4/01	3RD READING CONCURRED	100	0

	RETURNED TO SENATE WITH AMENDMENTS		
4/03	2ND READING AMENDMENTS CONCURRED	50	0
4/05	3RD READING AMENDMENTS CONCURRED	45	0
4/12	SIGNED BY PRESIDENT		
4/15	SIGNED BY SPEAKER		

4/15	TRANSMITTED TO GOVERNOR		
4/19	RETURNED WITH GOVERNOR'S AMENDMENTS		

SENATE FINAL STATUS

SB 264 INTRODUCED BY MOHAR
TO PROVIDE PENALTY FOR FAILURE TO OBTAIN EASEMENT ON
STATE LANDS
BY REQUEST OF DEPARTMENT OF STATE LANDS

1/28	INTRODUCED		
1/29	REFERRED TO NATURAL RESOURCES		
2/08	HEARING		
2/14	ADVERSE COMMITTEE REPORT	40	5
2/14	BILL KILLED		

SB 265 INTRODUCED BY MOHAR
REVISES LAW RELATING TO LEASING OF CERTAIN STATE-
OWNED LAND
BY REQUEST OF DEPARTMENT OF STATE LANDS

1/28	INTRODUCED		
1/29	REFERRED TO LOCAL GOVERNMENT		
2/14	HEARING		
2/15	COMMITTEE REPORT-BILL DO PASS		
2/18	2ND READING PASS	50	0
2/20	3RD READING PASS	49	0

	TRANSMITTED TO HOUSE		
2/27	REFERRED TO LOCAL GOVERNMENT		
3/23	HEARING		
3/27	COMM REPORT-BILL CONCURRED AS AMENDED		
3/30	2ND READING CONCURRED	95	1
4/01	3RD READING CONCURRED	97	2

	RETURNED TO SENATE WITH AMENDMENTS		
4/03	2ND READING AMENDMENTS CONCURRED	50	0
4/05	3RD READING AMENDMENTS CONCURRED	45	0
4/11	SIGNED BY PRESIDENT		
4/11	SIGNED BY SPEAKER		

4/12	TRANSMITTED TO GOVERNOR		
4/15	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 488 EFFECTIVE DATE: 10/01/65		

SB 266 INTRODUCED BY HALLIGAN
ALLOW BOUNDARY ALTERATION ON CREATION OF RURAL FIRE
DISTRICT

1/28	INTRODUCED		
1/29	REFERRED TO LOCAL GOVERNMENT		
2/14	HEARING		
2/21	COMMITTEE REPORT-BILL PASS AS AMENDED		
2/23	2ND READING PASS	49	0
2/25	3RD READING PASS	47	0

	TRANSMITTED TO HOUSE		
2/27	REFERRED TO LOCAL GOVERNMENT		
3/19	HEARING		
3/20	COMM REPORT-BILL CONCURRED AS AMENDED		
3/23	2ND READING CONCURRED	91	3
3/25	3RD READING CONCURRED	95	4

	RETURNED TO SENATE WITH AMENDMENTS		
4/02	2ND READING AMENDMENTS CONCURRED	50	0

SENATE BILL NO. 266
INTRODUCED BY HALLIGAN

IN THE SENATE

January 29, 1985	Introduced and referred to Committee on Local Government.
February 21, 1985	Committee recommend bill do pass as amended. Report adopted.
February 22, 1985	Bill printed and placed on members' desks.
February 23, 1985	Second reading, do pass.
February 25, 1985	Considered correctly engrossed. Third reading, passed. Ayes, 47; Noes, 0. Transmitted to House.

IN THE HOUSE

February 27, 1985	Introduced and referred to Committee on Local Government.
March 20, 1985	Committee recommend bill be concurrent in as amended. Report adopted.
March 23, 1985	Second reading, concurred in.
March 25, 1985	Third reading, concurred in. Returned to Senate with amendments.

IN THE SENATE

March 25, 1985	Received from House.
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April 2, 1985

Second reading, amendments
concurred in.

April 4, 1985

Third reading, amendments
concurred in.

Ayes, 50; Noes, 0.

Sent to enrolling.

Reported correctly enrolled.

1 Senate BILL NO. 266
2 INTRODUCED BY Halligan
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING FOR THE
5 ADJUSTMENT OF BOUNDARIES OF RURAL FIRE DISTRICTS AT THE
6 HEARING ON THE PETITION TO CREATE SUCH A DISTRICT; REQUIRING
7 SUCH ADJUSTMENTS TO BE MADE IN RESPONSE TO WRITTEN REQUESTS
8 RECEIVED PRIOR TO THE HEARING; AMENDING SECTION 7-33-2103,
9 MCA."

10

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 Section 1. Section 7-33-2103, MCA, is amended to read:

13 "7-33-2103. Hearing on petition -- decision. (1) The
14 board shall proceed to hear the petition at the time set or
15 at any time within 5 days thereafter to which the same is
16 postponed or continued with due notice and may grant the
17 same unless it is established thereat that the petition
18 bears insufficient signatures as above required or, if
19 originally sufficient, that by reason of written withdrawals
20 thereof it has become insufficient.

21 (2) The board may adjust the boundaries of the
22 proposed district to reflect any written requests for
23 subtraction or annexation of parcels of land adjacent to the
24 boundary line of the proposed district. Such written
25 requests must be submitted to the board prior to the date

1 set for hearing on the petition.

2 (2)(3) The board shall render its decision within 30
3 days after the hearing."

-End-

CHAIRMAN--FULLER, DAVE
SECRETARY--GHILARDI, CHERYL
NORMAL SCHEDULE==> SITE: ROOM 405

COMMITTEE--(S) LOCAL GOVERNMENT
DAYS: TU-TH-SAT TIME: 12:30-2:30 P.M.

* BILL NO	** DATE	*** CURRENT STATUS	*****
SB 188	10/01	(S) CHAPTER NUMBER	TITLE-CLARIFY PAYMENT OF RETIREMENT BENEFITS TO DECEASED POLICE OFFICER'S SPOUSE
SB 204	04/23	(H) SIGNED BY SPEAKER	TITLE-COUNTY PARKS - FUNDING WITH OTHER COUNTY RECREATIONAL FACILITIES
SB 241	02/26	(S) 2ND READ INDEFINITE POSTPONED	TITLE-COUNTY FIRE PROTECTION - FEE ON IMPROVEMENTS - LEVY FOR FIRE EMERGENCIES
SB 244	03/23	(H) BILL KILLED	TITLE-SCHOOL DISTRICT FUNDS - DELETING SOME COUNTY TREASURER ACCOUNTING DUTIES
SB 260	02/21	(S) BILL KILLED	TITLE-DEPUTY AND UNDERSHERIFF LONGEVITY - NOT MANDATORY - CAP ON TOTAL AMOUNT
SB 265	10/01	(S) CHAPTER NUMBER	TITLE-REVISES LAW RELATING TO LEASING OF CERTAIN STATE-OWNED LAND
SB 266	10/01	(S) CHAPTER NUMBER	TITLE-ALLOW BOUNDARY ALTERATION ON CREATION OF RURAL FIRE DISTRICT
SB 278	10/01	(S) CHAPTER NUMBER	TITLE-CITY POLICE TO DISPOSE OF ABANDONED VEHICLES SEIZED FROM CITY STREETS
SB 279	03/22	(H) BILL KILLED	TITLE-SERVICE CONSOLIDATION OR TRANSFER - SEPARATE CITY AND COUNTY VOTE APPROVAL
SB 285	02/21	(S) BILL KILLED	TITLE-DETERMINATION OF LOCAL GOVERNMENT COAL DEVELOPMENT IMPACT COSTS
SB 291	04/22	(H) RETURNED TO SENATE	TITLE-STATE AUDITS OF MUNICIPALITIES ON FIRST, SECOND, THIRD CLASS CITIES ONLY
SB 325	04/22	(H) RETURNED TO SENATE	TITLE-ESTABLISHMENT OF STATEWIDE EMERGENCY PHONE SYSTEM
SB 336	02/22	(S) BILL KILLED	TITLE-CHANGE FISCAL YEAR FOR COUNTIES AND MUNICIPALITIES TO OCTOBER 1
SB 339	10/01	(S) CHAPTER NUMBER	TITLE-SHERIFF MAY CHARGE \$1 INSTEAD OF MILEAGE FOR SERVICE OF CIVIL PAPERS
SB 354	04/16	(S) CHAPTER NUMBER	TITLE-CLARIFYING DEFINITION OF DIVISION OF LAND; CONVEYANCE OF PART OF BUILDING
SB 372	04/11	(S) CHAPTER NUMBER	TITLE-REQUIRE COUNTY TREASURER TO INVEST SCHOOL MONEY WITHIN 3 DAYS OF REQUEST
SB 389	02/23	(S) 2ND READ INDEFINITE POSTPONED	TITLE-GENERALLY REVISING LAWS CONCERNING SHERIFFS' RETIREMENT SYSTEM
SB 398	02/22	(S) BILL KILLED	TITLE-CHANGE LOCAL INITIATIVE LAW TO EXCLUDE APPROPRIATIONS NOT BUDGETS
SB 415	07/01	(S) CHAPTER NUMBER	TITLE-LOCAL OPTION SUBDIVISION REVIEW AND ADDITIONAL ENFORCEMENT OPTIONS
SB 416	04/23	(S) TRANSMITTED TO GOVERNOR	TITLE-BROADENING INVESTMENT OPTIONS FOR LOCAL GOVERNMENTS
SB 441	02/26	(S) 2ND READ INDEFINITE POSTPONED	TITLE-ALLOW ESTABLISHMENT OF COUNTY FINANCE OFFICE
SB 448	02/26	(S) 2ND READ INDEFINITE POSTPONED	TITLE-AUTHORIZE BOARDS OF COUNTY COMMISSIONERS TO LICENSE HORSE RIDING STABLES
SB 454	10/01	(S) CHAPTER NUMBER	TITLE-ENABLING COUNTIES TO REHABILITATE RURAL NONFARM HOUSING
SB 456	02/25	(S) BILL KILLED	TITLE-LOCAL INITIATIVE PROCEDURE EXTENDS TO ADMINISTRATIVE ENACTMENTS
SB 462	04/23	(H) SIGNED BY SPEAKER	TITLE-RELATING TO DEDUCTIONS ALLOWED IN DETERMINING OIL AND GAS NET PROCEEDS
SJ 20	03/28	(H) SIGNED BY SPEAKER	TITLE-RESOLUTION IN MEMORY OF SERGEANT ALLEN L. KIMERY
SJ 26	02/27	(S) RESOLUTION KILLED	TITLE-RESOLUTION ASKING CONGRESS TO ENACT PILT PROGRAM FOR INDIAN RESERVATIONS
SJ 42	04/24	(H) HEARING	9:00 AM, ROOM 312-2
		SPONSOR-FULLER, DAVID E.	TITLE-INTERIM STUDY OF LOCAL GOVERNMENT INFRASTRUCTURE

MINUTES OF THE MEETING
LOCAL GOVERNMENT COMMITTEE
MONTANA STATE SENATE

February 14, 1985

The twelfth meeting of the Local Government Committee was called to order at 12:30 p.m. on February 14, 1985 by Chairman Dave Fuller in Room 405 of the Capitol Building.

ROLL CALL: All members were present with the exception of Senator Crippen, who was excused.

FURTHER CONSIDERATION OF SENATE BILL 204: Karen Renne explained the proposed amendments to the bill. Amendments three, four, and six were previously adopted on February 12, 1985. Amendments one and two would make the mill levy permissive. Amendment five would make the voter requested mill levy last for one year.

Senator Mazurek stated his concern with going through the petition process every year. Senators Harding and McCallum suggested having it coincide with the general election. Karen explained that general election was already in the bill. She suggested changing the amendment to read "for the two subsequent fiscal years".

ACTION TAKEN ON SENATE BILL 204: Senator Harding moved amendment five be adopted as changed. The motion passed unanimously.

Senator Eck moved amendment one be adopted. The motion passed unanimously.

Senator Mohar moved amendment two be adopted. The motion passed unanimously.

Senator Harding moved the Committee recommend a DO PASS on SB 204 as amended. The motion passed with Senators Story, McCallum, and Mohar voting no. Senators Regan and Crippen were not present for the vote.

CONSIDERATION OF SENATE BILL 183: Senator Joe Mazurek, District #23, is the sponsor of this bill. The bill was introduced to require the remaining commissioners to fill a vacancy on the Board of County Commissioners. Senator Mazurek distributed copies of a constitutional statute and a copy of an early veterans preference decision (O'Sullivan regarding SB 183. These are attached as Exhibit A to these minutes.

PROPONENTS

Henry Loble, District Judge of the First Judicial District in Helena, spoke in favor of the bill. His written testimony is attached as Exhibit B to these minutes.

Gordon Morris, representing the Montana Association of Counties, spoke in favor of the bill. His only concern is to appoint someone in the same political party as the person leaving the office. He is also concerned about the procedure to follow if there is a deadlock.

February 14, 1985

John Scully, representing the Sheriffs and Peace Officers Association, spoke in opposition to the bill. This bill would mean no matter how long a deputy has served or how well trained they are, they will never make more than an elected official. It will cost more money because seven to ten thousand dollars will be spent training new deputies when older officers choose not to remain on the force.

Questions from the Committee were called for.

Senator Fuller asked Mr. Morris if he agreed that the figure of seven to ten thousand dollars to train a deputy was correct. Mr. Morris agreed that it was.

Senator Harding asked Mr. Morris if he thought collective bargaining agreements would be affected. Mr. Morris said more and more counties are organizing and he thinks this should become a local issue.

Senator Eck asked if sheriffs receive longevity pay. Mr. Scully said they do not receive longevity pay specifically, but do receive extra pay on top of their base salaries.

The hearing was closed on SB 260.

CONSIDERATION OF SENATE BILL 266: Senator Mike Halligan, District #29, is the sponsor of this bill. The bill was introduced to allow for the adjustment of boundaries of rural fire districts at the hearing on the petition to create such a district, and requiring such adjustments to be made in response to written requests received prior to the hearing.

PROPOSERS

Howard Schwartz, representing Missoula County, stated his support of the bill.

Lyle Nagel, representing the Montana State Voluntary Firemen's Association, stated his support of the bill.

OPPOSERS

There were no opposers to SB 266.

Questions from the Committee were called for.

Senator Story asked that an amendment be prepared to clarify that the "land owner" would petition to be in or out of a district.

Senator Regan asked what would happen when an established rural fire district meets the city boundaries. Mr. Nagel said that once a district has been established for ten years, the city cannot annex it.

February 14, 1985

The hearing was closed on SB 266.

FURTHER CONSIDERATION OF SENATE BILL 241: Karen Renne prepared a memo regarding SB 241. The memo is attached as Exhibit E to these minutes.

Further action was deferred on SB 241 until the proposed amendments can be researched by Karen. The proposed amendments are attached as Exhibit F to these minutes.

FURTHER CONSIDERATION OF SENATE BILLS 25 AND 142: Karen Renne explained the proposed amendments to Senate Bills 25 and 142. They are attached as Exhibit G to these minutes.

Senator Mohar moved the Committee adopt the amendments to SB 25. The motion passed unanimously.

Senator Mohar moved the Committee adopt the amendments to SB 142.

Senator McCallum made a substitute motion that SB 142 DO NOT PASS. The substitute motion failed with Senators McCallum, Hirsch, and Story voting yes and Senators Fuller, Harding, Eck, Regan, Pinsoneault, and Mohar voting no.

Senator Mohar's original motion passed with Senator McCallum voting no.

Senator Eck moved that SB 142 be amended to have an effective date of July 1, 1985, which is the same effective date as SB 25 has. The motion passed unanimously.

Senator Mohar moved the Committee recommend a DO PASS on SB 142, as amended. The motion passed with Senators Hirsch, McCallum, Story, and Regan voting no and Senators Fuller, Harding, Eck, Pinsoneault, and Mohar voting yes.

There was a great deal of discussion as to whether an appropriations bill was necessary for SB 25. Senator Mohar suggested the Committee hold the Standing Committee Report on SB 142 until this matter could be clarified.

ACTION TAKEN ON SENATE BILL 244: Senator McCallum moved the Committee recommend a DO PASS on SB 244. The motion passed unanimously.

Gordon Morris, representing the Montana Association of Counties, and Dave Cole, representing the Department of Commerce, requested the Committee sponsor proposed legislation authorizing counties to furnish assistance in the rehabilitation of private dwellings. Karen Renne will prepare a Committee bill for the Committee to consider.

ROLL CALL

LOCAL GOVERNMENT

COMMITTEE

49th

~~XXXX~~ LEGISLATIVE SESSION -- 1985

Date 2-14-85

SENATE
SEAT

#

NAME	PRESENT	ABSENT	EXCUSED
13 Senator Crippen, Bruce	<i>Came in at end</i>		✓
18 Senator Eck, Dorothy	✓		
11 Senator Harding, Ethel	✓		
47 Senator Hirsch, Les	✓		
4 Senator McCallum, George	✓		
28 Senator Mohar, John (V. Chair)	✓		
14 Senator Pinsoneault, Dick	✓		
19 Senator Regan, Pat	✓		✓
21 Senator Story, Pete	✓		
43 Senator Fuller, Dave (Chair)	✓		

Each day attach to minutes.

DATE _____

COMMITTEE ON

LOCAL GOV'T

VISITORS' REGISTER

[illegible]

(Please leave prepared statement with Secretary)

MINUTES OF THE MEETING
LOCAL GOVERNMENT COMMITTEE
MONTANA STATE SENATE

February 19, 1985

The thirteenth meeting of the Local Government Committee was called to order at 12:30 p.m. on February 19, 1985 by Vice Chairman John Mohar in Room 405 of the Capitol Building. Chairman Fuller arrived shortly.

ROLL CALL: All members were present.

FURTHER CONSIDERATION OF SENATE BILL 241: Karen Renne explained the proposed amendments to the bill. The proposed amendments are attached as Exhibit A to these minutes.

Senator Hirsch moved the amendments on SB 241 be adopted. The motion passed unanimously.

Senator Story expressed concerns about people being assessed a fee even if they were not within distance for a fire truck to be able to reach them in time. He feels that assessing a fee on only structures is a good idea but feels only areas that could be covered by fire protection should be charged the fee and there should be an upper limit put on the fee.

ACTION TAKEN ON SENATE BILL 241: Senator Story moved the Committee recommend a DO NOT PASS as amended on SB 241. The motion passed with Senators Eck, Fuller, and Pinsoneault voting no.

ACTION TAKEN ON SENATE BILL 183: Karen Renne explained the proposed amendments to SB 183. The proposed amendments are attached as Exhibit B to these minutes.

Senator Pinsoneault moved the amendments be adopted. The motion passed unanimously.

Senator McCallum moved the Committee recommend a DO NOT PASS as amended on SB 183. The motion failed with Senators Crippen, Harding, McCallum, and Mohar voting yes and Senators Eck, Hirsch, Pinsoneault, Regan, Story, and Fuller voting no.

Senator Eck moved the Committee recommend a DO PASS as amended on SB 183. The motion passed with the above vote being reversed.

ACTION TAKEN ON SENATE BILL 266: Karen Renne explained the proposed amendments to SB 266. They are attached as Exhibit C to these minutes.

Senator Story moved the amendments be adopted. The motion passed unanimously.

Senator Pinsoneault moved the Committee recommend a DO PASS on SB 266 as amended. The motion passed unanimously.

February 19, 1985

ACTION TAKEN ON SENATE BILL 260: Senator Regan moved the Committee recommend a DO NOT PASS on SB 260. The motion passed with Senator Harding voting no.

ACTION TAKEN ON SENATE BILL 25: Karen Renne explained the proposed amendments to this bill. They are attached as Exhibit D to these minutes.

Senator Regan moved the proposed amendments be adopted. The motion passed with Senator Story voting no.

Senator Regan moved the Committee recommend a DO PASS as amended on SB 25. The motion passed with Senators Eck, Harding, Pinsoneault, Regan, Story, and Fuller voting yes and Senators Crippen, Hirsch, and McCallum voting no. Senator Mohar was presenting a bill at another committee meeting and was not present for the vote.

ACTION TAKEN ON SENATE BILL 170: Senator Eck moved the Committee recommend a DO NOT PASS as amended on SB 170. The motion passed with Senators McCallum, Fuller, and Hirsch voting no.

CONSIDERATION OF SENATE BILL 279: Senator Esther Bengston, District #49, is the sponsor of this bill. The bill was introduced to require the approval of electors residing in each municipality and, of those residing in the remainder of the county for adoption of a plan consolidating or transferring services between or among local government units. Also, the bill provides procedures for the electors to terminate a service consolidation or transfer plan. There were proposed amendments submitted on the bill. They are attached as Exhibit E to these minutes.

PROPOSERS

Vera Cahoon, representing the Missoula County Freeholders' Association, spoke in favor of the bill. Her written testimony is attached as Exhibit F to these minutes.

John Wittenberg, a Missoula citizen, stated his support of the bill.

OPPONENTS

Alec Hansen, representing the Montana League of Cities and Towns, spoke in opposition to the bill. He said it contradicts a basic principle of government of one man/one vote.

Dave Goss, representing the Billings Chamber of Commerce, spoke in opposition to the bill. His written testimony is attached as Exhibit G to these minutes.

Senator Fuller opened the hearing for questions. There were no questions from the Committee on SB 279.

STANDING COMMITTEE REPORT

February 20

19. 85

MR. PRESIDENT

LOCAL GOVERNMENT

We, your committee on

SENATE BILL

266

having had under consideration..... No.....

FIRST

WHITE

reading copy ()
color

ALLOW BOUNDARY ALTERATION ON CREATION OF RURAL FIRE DISTRICT

SENATE BILL

266

Respectfully report as follows: That..... No.....

be amended as follows:

1. Page 1, line 22.
Following: "any"
Insert: "freeholder's"
2. Page 1, line 23.
Following: "parcels of"
Insert: "the freeholder's"

AND AS AMENDED

DO PASS

~~XXXXXXXXXX~~
DO NOT PASS

Senator Dave Fuller

Chairman.

(To be kept current -- post bills when entering being heard or leaving committee.)

Form CS-32

STATUS SHEET

49th

LEGISLATIVE SESSION

COMMITTEE ON LOCAL GOVERNMENT

SENATE BILLS

BILL NO.	ENTERED COMM.	DATE CONSIDERED	OUT OF COMM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMEND. DATE	BE CON- CURRED IN DATE	BE CONC. IN AS AMENDED DATE	BE NOT CON- CURRED IN DATE
SB 160	2-27-85	3-21-85	3-21-85					3-21-85	
SB 177	2-27-85	3-19-85	3-19-85				3-19-85		
SB 180	2-27-85	3-14-85	3-14-85				3-14-85		
SB 181	2-27-85	3-23-85	3-23-85				3-23-85		
SB 183	2-27-85	3-19-85	3-26-85					3-26-85	
SB 187	2-27-85	3-21-85	3-21-85				3-21-85		
SB 188	2-27-85	3-19-85	Hold till 5-18-85 3-21-85				3-19-85		
SB 204	2-27-85	3-26-85 3-23-85	3-26-85						AS AMENDED 3-26-85
SB 244	2-27-85	3-21-85	3-21-85						3-21-85
SB 265	2-27-85	3-26-85 3-23-85	3-26-85					3-26-85	
SB 266	2-27-85	3-19-85	3-19-85					3-19-85	
SB 278	2-27-85	3-21-85	3-19-85				3-19-85		
SB 291	2-27-85	4-18-85 3-21-85	TABLED 3-21-85				4-18-85		
SB 339	2-27-85	3-14-85	3-14-85				3-14-85		
SB 372	2-27-85	3-23-85	3-23-85				3-23-85		

Use a separate sheet for Senate, House Bills, and Resolutions

MINUTES OF THE MEETING
LOCAL GOVERNMENT COMMITTEE
MONTANA STATE
HOUSE OF REPRESENTATIVES

March 19, 1985

The meeting of the Local Government Committee was called to order by Chairman Paula Darko on March 19, 1985 at 4:00 p.m. in Room 312-2 of the State Capitol.

ROLL CALL: All members were present with the exception of Rep. Brown, who was excused.

CONSIDERATION OF SENATE BILL NO. 177: Sen. Kolstad of District 7, appeared before the committee as chief sponsor of this bill. He read a written statement, which is attached as exhibit 1 and stated the Coroner's Association supports this bill. He urged the committee's support of the bill.

PROPOSERS: Mickey Nelson, ex secretary/treasurer of the Montana Coroner's Association, and representing the Coroner's Association, stated this is not a revolutionary new bill. It is basically patterned under the justice of the peace bill. Two other states in the United States have also done this same type of thing, requiring the 40-hour training. The big thing to realize is that coroners make multi-million dollar decisions of the cause of death in signing death certificates. The person who does not know how to do this may cause many years of court costs if this is not done correctly. The FBI is now realizing this is a problem and they have a school in Washington D. C. for training of coroners. He said he has been acting as coroner for eleven years, and different investigation tools are there.

Dr. Ron Rivers, representing the Department of Justice and the Montana Medical Examiners, stated that the largest mandate is to educate lawyers, coroners, etc., in death investigations. He has been teaching this at the Law Academy for five years. Montana should also have mandates for the coroners to go to the classes he is teaching.

Jerry Loendorf, representing the Montana Medical Association, stated they support this legislation and believe coroners should have this education. Without this knowledge, they can destroy evidence that caused the person's demise.

Jim Jensen, Montana Magistrates Association, stated they support this bill and hoped the committee would do the same.

Roland D. Pratt, Director of the Montana Funeral Directors Association, stated they support this bill.

OPPONENTS: There were no opponents present.

they arrange that? Sen. Mazurek told him they will have to agree and there will have to be some compromises. The voters would not act kindly to them not agreeing.

Rep. Pistoria told Judge Loble that he has never heard of the district judges around home making an issue of this, and wondered if Judge Loble was alone on this and why did he want to get out from under it? Judge Loble replied it is just a question of time before it is made unconstitutional for a legislature to require a judge to make the appointments. It is totally improper to have a judge interfere in making this appointment. Rep. Pistoria felt it is a good thing for a judge to do it.

Rep. Fritz asked Sen. Mazurek if in the unlikely event there were two vacancies, would the one sole survivor select one person and then the two of them select the other member? Sen. Mazurek said he doesn't think the bill speaks to that. However, he didn't think that would be too unlikely. It is healthy to do this and to consider all the possibilities so that the law could be made now.

In closing, Sen. Mazurek stated it is our opportunity to do this in advance. He had not talked with anyone to carry the bill.

CONSIDERATION OF SENATE BILL NO. 454: Sen. Fuller of District 22, Helena, appeared as sponsor of this bill, which enables county housing authorities and county governing bodies to assist in the provision and rehabilitation of rural dwellings for any low-income resident. The Community Development Block Grant (CDBG) Program started in 1981 in Montana. Twenty-three of the state's CDBG projects involve rehabilitation of substandard homes, and out of these, 21 are being administered by cities or town, and only two are county projects. The Attorney General has ruled that the county, in order to receive these funds, must set up a county rehabilitation program. This bill will put counties on an equal footing with cities and towns to receive the block grant and the counties would not have to set up housing authorities to take care of the housing needs of the county residents.

PROPONENTS: Dave Cole, representing the Montana Department of Commerce, said their concern is to regulate equal access for counties to use these funds. The bill uses the same language that applies to municipalities. He presented written testimony, which is attached as exhibit 1, and said the Community Development Block Grant Program fund is for helping low income housing in rural areas.

Gordon Morris, representing the Montana Association of Counties, thanked Sen. Fuller for sponsoring this bill. It was an oversight of MACo, and they want to go on record in support of SB 454.

OPPONENTS: There were no opponents present to SB 454.

DISCUSSION OF SENATE BILL NO. 454: There was no discussion by committee members on this bill.

Senator Fuller closed his presentation, and said he didn't have anyone in mind to carry the bill. Rep. Sales volunteered to carry it for him.

The committee then went into executive session for action on bills as Sen. McCallum had not arrived to present his bill.

DISPOSITION OF SENATE BILL NO. 454: Rep. Kitselman made the motion of BE CONCURRED IN, seconded by Rep. Sales. Question being called for, motion PASSED, with Rep. Switzer opposed.

Rep. Hansen asked the committee to hold action on SB 183 until Thursday. Rep. Pistoria said he was not satisfied with the bill, so he will work with Rep. Hansen on it. Rep. Switzer asked Chairman Darko to advise Rep. Hansen to be ready for adverse comments on it.

CONSIDERATION OF SENATE BILL NO. 118: Sen. McCallum, District 26, appeared as sponsor of SB 118. He said he is introducing the bill for the county clerks and recorders, and it will provide additional compensation for a county clerk and recorder who serves as an election administrator. In some counties, the clerk and recorders are classified as election administrators, and in some of the larger counties, an election administrator is hired. What this bill does is allows that a clerk and recorder who is acting as an election administrator may receive, in addition to their salaries, a sum not to exceed \$2,000 per year. They have more to do now than in years gone by and things have become more complicated now. He said he had a note to insert into the record from Dennis Burr, who was not able to be here, who wanted the committee to know that the clerks and recorders will still be paid.

PROPOSERS: Mike Stephen, representing the Montana Association of Clerks and Recorders, said the purpose of this bill is to bring about compensation for clerks and recorders and election administrators. The clerk and recorder of each county is an election administrator. The idea here is without an appointment by the county commissioners, the clerk and recorder does not have the opportunity to turn the job down. The duties are far more time consuming now and an individual has to be much more knowledgeable about the election procedures. The duties of the clerk and recorder prior to election time and during election time are great and if there is a fowl-up, the election administrator takes the brunt of the criticism. Most of the counties have their clerk and recorder act as the election administrator, and there are a number of counties who pay the clerk and recorder additional money for this duty. As the bill states on page 2, the clerk and recorder who is designated

as election administrator, may receive, in addition to his salary, a sum not to exceed \$2,000 per year.

Gordon Morris, Montana Association of Counties, stated they would like to go on record in support of SB 118. The testimony submitted by Mr. Stephen pointed out the Catch 20. This bill will correct a flaw in the law where the clerk and recorder will provide duties above the call of duty, and he asked for a Do Concur from the committee.

OPPONENTS: There were no opponents present to testify.

DISCUSSION OF SENATE BILL NO. 118: Rep. Pistoria wanted to make sure that a county commissioner "may", not "shall".

Senator McCallum closed his presentation. Rep. Kitselman was asked to carry the bill.

The committee then went into executive session again to take action on bills.

DISPOSITION OF SENATE BILL NO. 118: Rep. Wallin made the motion of BE CONCURRED IN, seconded by Rep. Hansen.

Rep. Gilbert said this is the same thing that the county treasurers came in here for. They are elected to do the job and they should do it with the salary they receive. He felt the committee should do the same thing that they did with the other bill, and that is to kill it.

Sen. Halligan arrived at this time, so executive session was adjourned.

CONSIDERATION OF SENATE BILL NO. 266: Sen. Halligan of District 29, Missoula, sponsor of the bill, presented it to the committee. He said this is a bill that was supported by the county commissioners and the MACo groups, and the fire districts. As the title indicates, it allows for the adjustment of boundaries of rural fire districts at the hearing on the petition to create such a district, and requiring such adjustments to be made in response to written requests received prior to the hearing. Once the petition is submitted, with the required signature, the county commissioners can't adjust the boundary even if the individual asks for it. Notice has to be given to each person in the district to allow that persons on both sides may decide whether they want in or out of the district. At the public hearing, there can be discussion of the boundaries.

PROPOSERS: Mike Sehestedt, representing the Missoula county, said this is a simple bill that will solve the problem that comes up from time to time when there is a petition for fire districts. A signed petition is 50% or more. All that can happen at the public hearing is that the commission makes a formal check to see if the petition is legitimate. A petition

has to be signed if the people want to be included in the district. A fire district was created in Seely Lake which had a lot of interest. The boundaries couldn't be changed and the people had to be taken in. The people were stuck with the second proceedings and had to be included and pay for the fire protection.

Lyle P. Nagel, Montana State Volunteer Firemens Association, from Simms, said they would like to go on record in support of this bill. In Cascade County they had a case where the people were trying to establish a fire district and one person caused the problem. The whole district went down the tube and a lot of money was spent. He presented written testimony, which is attached as exhibit 1.

OPPONENTS: There were no opponents present.

DISCUSSION OF SENATE BILL NO. 266: Rep. Kadas asked Mike Sehestedt about the language which says that the written notice has to be made prior to the hearing, and he wondered why the written request can't be made at the hearing. Mr. Sehestedt answered that he doesn't have any problem with that. A notice has to be sent prior to the meeting, and that notice should also say what their legal rights are at the hearing.

Sen. Halligan closed the hearing, and said he did not have anyone in mind to carry the bill. Chairman Darko said Rep. Kadas might carry it.

The committee again went into executive session for action on bills.

DISPOSITION OF SENATE BILL NO. 118: Question being called for on Rep. Wallin's motion of BE CONCURRED IN, and motion FAILED on a Roll Call Vote of 10 to 3. Rep. Brandewie moved to reverse the votes, and SB 118 went out of committee as BE NOT CONCURRED IN.

DISPOSITION OF SENATE BILL NO. 266: Rep. Sales moved that SB 266 BE CONCURRED IN, seconded by Rep. Gilbert.

Rep. Kadas moved to amend page 2, line 1, following the second "to", insert "or on" the date set for hearing on the petition. Second was received from Rep. Kitselman. Question being called for, the motion PASSED UNANIMOUSLY.

Rep. Kadas then moved that SB 266 BE CONCURRED IN AS AMENDED, and this was seconded by Rep. Kitselman. Question being called for, motion PASSED UNANIMOUSLY.

CONSIDERATION OF SENATE BILL NO. 188: Sen. Towe of District 46, appeared as sponsor of the bill and apologized to the committee for being a little late. He said SB 188 is a bill that is introduced at the request of the Public Employees' Retire-

Exhibit 1
SB 266
3-19-85
Senator Halligan

WITNESS STATEMENT

NAME Lyle P. Nagel BILL NO. SB266
ADDRESS Simons Ave. DATE 3-19-85
WHOM DO YOU REPRESENT? Mont. State Vol Firemen's Assn.
SUPPORT X OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

This bill will reduce the time and expense of creating fire districts.

For this reason we support this bill and hope that it will receive a do pass.



LOCAL GOVERNMENT

BILL NO. SB 266

SPONSOR SENATOR HALLIGAN

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

CS-33

STANDING COMMITTEE REPORT

March 19, 19 35

SPEAKER:
MR.

We, your committee on LOCAL GOVERNMENT

having had under consideration SENATE Bill No. 265

THIRD reading copy (BLUE)
color

ALLOW BOUNDARY ALTERATION ON CREATION OF RURAL FIRE
DISTRICT.

Respectfully report as follows: That SENATE Bill No. 266

BE AMENDED AS FOLLOWS:

1. Title, line 3.
Following: "TO"
Insert: "OR ON THE DATE SET FOR"

2. Page 2, line 1.
Following: "prior to"
Insert: "or on"

AND, AS SO AMENDED,
BE CONCURRED IN
DO PASS

SENATE BILL NO. 266
INTRODUCED BY HALLIGAN

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING FOR THE
ADJUSTMENT OF BOUNDARIES OF RURAL FIRE DISTRICTS AT THE
HEARING ON THE PETITION TO CREATE SUCH A DISTRICT; REQUIRING
SUCH ADJUSTMENTS TO BE MADE IN RESPONSE TO WRITTEN REQUESTS
RECEIVED PRIOR TO OR ON THE DATE SET FOR THE HEARING;
AMENDING SECTION 7-33-2103, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 7-33-2103, MCA, is amended to read:

"7-33-2103. Hearing on petition -- decision. (1) The
board shall proceed to hear the petition at the time set or
at any time within 5 days thereafter to which the same is
postponed or continued with due notice and may grant the
same unless it is established thereat that the petition
bears insufficient signatures as above required or, if
originally sufficient, that by reason of written withdrawals
thereof it has become insufficient.

(2) The board may adjust the boundaries of the
proposed district to reflect any FREEHOLDER'S written
requests for subtraction or annexation of parcels of THE
FREEHOLDER'S land adjacent to the boundary line of the
proposed district. Such written requests must be submitted

to the board prior to OR ON the date set for hearing on the
petition.

(2)(3) The board shall render its decision within 30
days after the hearing."

-End-